

Remarks

During the recent interview, the undersigned and Examiner Hansen discussed the rejection of Claims 1-21. It is Applicant's understanding that, based on the topics discussed during the interview, the Examiner would be favorably inclined to issue a Notice of Allowance for Applicant's claims which included additional structural recitation for the fire resistant housing. The amended claims, above, include such structural recitation, which is believed to overcome the objections.

The present application includes claims 1-21, all of which were rejected by the Examiner. By this amendment, independent Claims 1, 11, and 15 have been amended.

Claims 1-9, 11-13, and 15-20 were rejected under 35 U.S.C. § 103(a) as anticipated by Dhont et al., U.S. Patent No. 5,397,237 ("the '237 patent") in view of Robbins et al., U.S. Patent No. 5,295,447. Claims 10, 14, and 21 were rejected under § 103(a) as being unpatentable over Dhont, in view of Robbins, and further in view of Applicant's statement that infrared transmitter devices were known in the art.

As was discussed during the telephonic interview, the Dhont reference is believed by the Applicant to be non-analogous because it teaches an "Apparatus For Stimulating Respiratory Conditions Especially Pathological Respiratory Conditions," and is not in any way designed to protect electronic data, or to operate in such a way. Dhont '237 is a teaching device, includes a standard carrying case for portability, and is intended for indoor use in a classroom setting, and is not in any way intended for use in event of any environmental hazard. In fact, as pointed out in a prior Response of the Applicant, the '237 patent teaches an apparatus that only functions with the lid of the carrying case open (Column 2, Line 27 of the '237 patent states that the carrying case is non-functional when the lid is closed), thus exposing the device and contents to any possible

environmental hazard when in use. Dhont does not teach or suggest any structure providing any fire-resistant properties. Moreover, no suggestion or motivation has been identified to combine this non-analogous reference with the Robbins reference.

Applicant believes the amended claims clearly make the Dhont reference non-applicable to a Section 103(a) analysis. The amended claims now clearly recite the structure of the fire-resistant housing which comprises an element of the inventions. As discussed during the interview, such physical structure would seem to remove the previously identified objections to patentability.

Further, Applicant believes the amendments do not present new issues, and will not require any additional searching by the Examiner. The Application has previously recited the "fire-resistant housing" or "fire-resistant enclosure" in each of the independent claims, which the Examiner has examined. And, the Examiner has discovered and applied references which show generally fire-resistant enclosures utilizing thermally resistant materials. Thus, Applicant believes that the claims as amended can be allowed without the need for additional searching.

Conclusion

For all the foregoing reasons, Applicant believes Claims 1-21 are in condition for allowance. Applicant respectfully requests that the Examiner issue a Notice of Allowance of Claims 1-21. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact counsel for the Applicant at the telephone number below.

FROM McANDREWS, HELD, & MALLOY

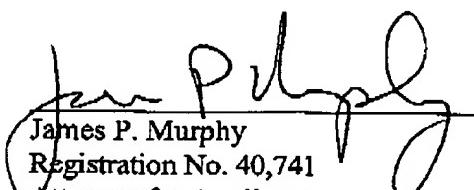
(TUE) 4. 29' 03 15:02/ST. 14:58/NO. 4861050820 P 10

The Commissioner is authorized to charge any necessary fees or credit any overpayment
to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: April 29, 2003

By:


James P. Murphy
Registration No. 40,741
Attorney for Applicant

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street
34th Floor
Chicago, Illinois 60661
(312) 775-8000